

# **EXHIBIT 10**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

— — ○○○ — —

ANIBAL RODRIGUEZ, et al.,  
individually and on behalf of  
all other similarly situated,  
Plaintiffs,

vs.

Case No. \_\_\_\_\_

3 : 20 - CV - 04688

GOOGLE LLC, et al.,

Defendants.

1

VIDEO-RECORDED DEPOSITION OF SAL CATALDO

VERITEXT VIRTUAL

THURSDAY, FEBRUARY 17, 2022

Reported by:

Anrae Wimberley, CSR No. 7778

Job No. 5057262

1 A. I did. 09:49:53

2 Q. And you approved of its content?

3 A. I did.

4 Q. Did you -- well, let's back up a second.

5 So we were talking about changing or not 09:50:12

6 changing your behavior in response to the lawsuit

7 earlier.

8 So now that I understand the time line a

9 little better, let me ask you this: From the time

10 that you first contacted counsel until now, have you 09:50:24

11 changed your behavior in any way as a result of your

12 allegations about Google's invasion of your privacy?

13 A. You would have to be more specific.

14 There's two years. There's a lot of things I've

15 changed in two years in my life. 09:50:50

16 Q. I'm sure there are. It's been a pretty

17 eventful two years, too, but my question is more

18 specific than that.

19 I'm asking if you've changed your behavior

20 in any way as a consequence of what you allege 09:51:00

21 Google has been doing to invade your privacy?

22 A. I would say I'm much more cognizant, I

23 would say, diligent about fastidiously checking all

24 my settings because I've noticed settings get turned

25 on when they weren't on. I've been surprised more 09:51:34

1 often than not, so I feel like I'm constantly having 09:51:34  
 2 to check and make sure that my privacy is, at least  
 3 to the extent I can control it, is being controlled.

4 So I don't know that I've changed a  
 5 specific behavior, but as far as my very heightened 09:51:56  
 6 awareness, that's certainly, to me, something that I  
 7 really made a diligent practice of trying to be very  
 8 aware of what I'm doing and what steps I'm taking  
 9 because I'm much less trusting.

10 Q. So just to make sure I understand, in 09:52:18  
 11 response to -- strike that.

12 In terms of what behavioral changes you've  
 13 implemented, if any, as a consequence of what you  
 14 allege to be Google's ongoing violation of your  
 15 privacy, you've identified as one change that you 09:52:40  
 16 check your settings more carefully now than you did  
 17 before; is that fair to say?

18 A. That's fair to say.

19 Q. Can you think of any other behavioral 09:52:54  
 20 changes that you have implemented as a consequence  
 21 of what you allege to be Google's ongoing violation  
 22 of your privacy?

23 A. Sorry, I thought my audio cut out there.

24 There's none that I can articulate 09:53:23  
 25 specifically.

1 Q. Do you use your phone any differently as a  
 2 consequence of the invasion of privacy that you  
 3 allege Google is engaging in?

4 A. I would say I probably use it less.

5 Q. Any apps in particular that you don't use  
 6 as a consequence of what you allege to be an ongoing  
 7 violation of privacy?

8 A. None specifically because my understanding  
 9 is it's embedded in all the apps, so just generally  
 10 my -- whereas maybe it's almost second nature to  
 11 just pick up your phone and use it, I feel like  
 12 there's always some hesitation and more careful in  
 13 what I do and don't do on my phone.

14 Q. Can you describe in your own words how  
 15 specifically you allege Google invaded your privacy?

16 A. So my understanding is, when there's apps  
 17 that are on Android, regardless of developer,  
 18 there's certain code that Google requires in order  
 19 to be part of the Android ecosystem, and that code  
 20 within the app sends certain information to Google.  
 21 And so that data gets transmitted to Google that has  
 22 all sorts of personal identifiers.

23 Google tells me in their privacy policy, I  
 24 can control my privacy. You can control what we  
 25 collect. You can control what Google saves. And

09:53:26

09:53:57

09:54:14

09:54:41

09:55:16

09:55:42

1	to personalize ads on websites" --	01:30:28
2	(Reporter seeks clarification.)	
3	A. I apologize, I was saying it more so so	
4	that he and I would know that we're looking at the	
5	same thing, but --	01:30:51
6	MR. LEE: She still has to write it down, so --	
7	THE WITNESS: Yeah, no, I get it.	
8	So when I click on the advanced carrot,	
9	this paragraph comes up, "Also use your activity and	
10	information from Google services to personalize ads	01:31:09
11	on websites and apps that partner with Google to	
12	show ads."	
13	Next sentence, "This stores data from	
14	websites and apps that partner with Google in your	
15	Google account."	01:31:30
16	So -- and that box is checked off. So	
17	right now, it is not checked, it's blank.	
18	And so if I go to these settings and I	
19	see -- so going back to your question, Eduardo, to	
20	say that the ad settings are where the privacy	01:32:03
21	policy would control that and why is it still on, I	
22	would say the ad settings are allowing the	
23	information I've shared to Google to potentially be	
24	used to personalize my ads saying, Do you want us to	
25	use information that we have to personalize your	01:32:25

1 ads? 01:32:27

2 To me, the WAA setting says can Google

3 have certain information. So my expectation is, if

4 I've told Google don't take certain information

5 using the WAA setting, I don't have to have the ad 01:32:44

6 setting also off. The ad setting doesn't override

7 and now allow Google to collect information that I

8 didn't allow it to collect in the first place.

9 If I read that ad setting, it's saying, Do

10 you want us to personalize your ads, yes or no? Not 01:33:01

11 do you want us to go take information to increase

12 your ads?

13 WAA tells me whether or not you can take

14 and collect information, and if I've said, "No,"

15 then it shouldn't matter what I do with my ads later 01:33:12

16 on because I've already told you not to take my

17 data. So you shouldn't have data with which to

18 personalize my ads.

19 BY MR. SANTACANA:

20 Q. That's very helpful, and just a reminder 01:33:21

21 to speak slowly even when you're thinking quickly.

22 But yes, that's very helpful, and I understand your

23 answer.

24 Let's continue through the privacy policy

25 for a moment. 01:33:34

1 anonymization that I can quantify that would make 02:19:04  
2 that okay.

3 BY MR. SANTACANA:

4 Q. Okay.

5 Let's take a break just for -- but you 02:19:13  
6 have a 3:00 cut off. I don't want to -- it may make  
7 sense to just keep going.

8 MR. LEE: Well, why don't we go off the record  
9 for just a minute, Eduardo.

10 MR. SANTACANA: Yeah, let's do that.

11 THE VIDEOGRAPHER: We're going off the record,  
12 2:19 p.m.

13 (Recess taken.)

14 THE VIDEOGRAPHER: We're now on the record,  
15 2:24 p.m.

16 BY MR. SANTACANA:

17 Q. Mr. Cataldo, have you ever stopped using  
18 an app because that app was using Google Analytics  
19 for Firebase?

20 A. Not specifically.

21 Q. Since you joined this case, you have  
22 continued using your Android phone but with WAA  
23 turned off; right?

24 A. Correct.

25 Q. Your allegation in the case is that even 02:25:06

1 when WAA is turned off, Google is violating your 02:25:08  
2 privacy; correct?

3 A. Correct.

4 Q. So at least since you joined this case, 02:25:20  
5 you have knowingly accepted that violation of  
6 privacy as part of your life; isn't that fair to  
7 say?

8 MR. LEE: Objection to form, asked and  
9 answered.

10 THE WITNESS: I don't know that I would say, 02:25:31  
11 "accepted," maybe resigned to it. But, yes, I have  
12 continued to use Android and with WAA off, yes.

13 BY MR. SANTACANA:

14 Q. Okay.

15 Are you familiar with -- and I'm going to 02:25:44  
16 jump around here, like I said, trying to get you  
17 out.

18 Are you familiar with  
19 requests-for-admission responses that were provided  
20 to us by your counsel on your behalf? 02:25:57

21 A. Yes.

22 Q. Did you review those  
23 requests-for-admission responses?

24 A. I did.

25 Q. Okay. 02:26:14

1                   I, the undersigned, a Certified Shorthand  
2                   Reporter of the State of California, do hereby  
3                   certify:

4                   That the foregoing proceedings were taken  
5                   before me at the time and place herein set forth;  
6                   that any witnesses in the foregoing proceedings,  
7                   prior to testifying, were administered an oath; that  
8                   a record of the proceedings was made by me using  
9                   machine shorthand which was thereafter transcribed  
10                  under my direction; that the foregoing transcript is  
11                  a true record of the testimony given.

12                  Further, that if the foregoing pertains to  
13                  the original transcript of a deposition in a Federal  
14                  Case, before completion of the proceedings, review  
15                  of the transcript ( ) was (X) was not requested.

16                  I further certify that I am neither  
17                  financially interested in the action nor a relative  
18                  or employee of any attorney of any party to this  
19                  action.

20                  IN WITNESS WHEREOF, I have this date  
21                  subscribed my name.

22                  Dated: February 28, 2022

23  
24                    
25

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